



AMENDMENT NO. _____

Calendar No. _____



Purpose: To provide for the award of medals for members of the Armed Forces and civilian employees of the Department of Defense who were killed or wounded in an attack perpetrated by a homegrown violent extremist who was inspired or motivated by a foreign terrorist organization.

IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.

S. 1197

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GPO: 2012 77-320 (mac)

AMENDMENT intended to be proposed by Mr. CORNYN (for himself, Mr. Cruz, Mr. Boozman, Mr. Pryor, Mr. Moran, and Mr. Heller).

Viz:

1 At the end of subtitle G of title V, add the following:

1 SEC. 585. MEDALS FOR MEMBERS OF THE ARMED FORCES
2 AND CIVILIAN EMPLOYEES OF THE DEPART-
3 MENT OF DEFENSE WHO WERE KILLED OR
4 WOUNDED IN AN ATTACK PERPETRATED BY
5 A HOMEGROWN VIOLENT EXTREMIST WHO
6 WAS INSPIRED OR MOTIVATED BY A FOREIGN
7 TERRORIST ORGANIZATION.

8 (a) PURPLE HEART.—

9 (1) AWARD.—

10 (A) IN GENERAL.—Chapter 57 of title 10,
11 United States Code, is amended by inserting
12 after section 1129 the following new section:

13 “§ 1129a. Purple Heart: members killed or wounded
14 in attacks of homegrown violent extrem-
15 ists motivated or inspired by foreign ter-
16 rorist organizations

17 “(a) IN GENERAL.—For purposes of the award of the
18 Purple Heart, the Secretary concerned shall treat a mem-
19 ber of the armed forces described in subsection (b) in the
20 same manner as a member who is killed or wounded in
21 action as a result of an act of an enemy of the United
22 States.

23 “(b) COVERED MEMBERS.—A member described in
24 this subsection is a member who was killed or wounded
25 in an attack perpetrated by a homegrown violent extremist
26 who was inspired or motivated to engage in violent action

1 by a foreign terrorist organization, unless the death or
2 wound is the result of willful misconduct of the member.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘foreign terrorist organization’
5 means an entity designated as a foreign terrorist or-
6 ganization by the Secretary of State pursuant to sec-
7 tion 219 of the Immigration and Nationality Act (8
8 U.S.C. 1189).

9 “(2) The term ‘homegrown violent extremist’
10 shall have the meaning given that term by the Sec-
11 retary of Defense in regulations prescribed for pur-
12 poses of this section.”.

13 (B) CLERICAL AMENDMENT.—The table of
14 sections at the beginning of chapter 57 of such
15 title is amended by inserting after the item re-
16 lating to section 1129 the following new item:

“1129a. Purple Heart: members killed or wounded in attacks of homegrown vio-
lent extremists motivated or inspired by foreign terrorist orga-
nizations.”.

17 (2) RETROACTIVE EFFECTIVE DATE AND APPLI-
18 CATION.—

19 (A) EFFECTIVE DATE.—The amendments
20 made by paragraph (1) shall take effect as of
21 September 11, 2001.

22 (B) REVIEW OF CERTAIN PREVIOUS INCI-
23 DENTS.—The Secretaries concerned shall un-
24 dertake a review of each death or wounding of

1 a member of the Armed Forces that occurred
2 between September 11, 2001, and the date of
3 the enactment of this Act under circumstances
4 that could qualify as being the result of the at-
5 tack of a homegrown violent extremist as de-
6 scribed in section 1129a of title 10, United
7 States Code (as added by paragraph (1)), to de-
8 termine whether the death or wounding quali-
9 fies as a death or wounding resulting from a
10 homegrown violent extremist attack motivated
11 or inspired by a foreign terrorist organization
12 for purposes of the award of the Purple Heart
13 pursuant to such section (as so added).

14 (C) ACTIONS FOLLOWING REVIEW.—If the
15 death or wounding of a member of the Armed
16 Forces reviewed under subparagraph (B) is de-
17 termined to qualify as a death or wounding re-
18 sulting from a homegrown violent extremist at-
19 tack motivated or inspired by a foreign terrorist
20 organization as described in section 1129a of
21 title 10, United States Code (as so added), the
22 Secretary concerned shall take appropriate ac-
23 tion under such section to award the Purple
24 Heart to the member.

1 (D) SECRETARY CONCERNED DEFINED.—

2 In this paragraph, the term “Secretary con-
3 cerned” has the meaning given that term in
4 section 101(a)(9) of title 10, United States
5 Code.

6 (b) SECRETARY OF DEFENSE MEDAL FOR THE DE-
7 FENSE OF FREEDOM.—

8 (1) REVIEW OF THE NOVEMBER 5, 2009 ATTACK
9 AT FORT HOOD, TEXAS.—If the Secretary concerned
10 determines, after a review under subsection
11 (a)(2)(B) regarding the attack that occurred at Fort
12 Hood, Texas, on November 5, 2009, that the death
13 or wounding of any member of the Armed Forces in
14 that attack qualified as a death or wounding result-
15 ing from a homegrown violent extremist attack moti-
16 vated or inspired by a foreign terrorist organization
17 as described in section 1129a of title 10, United
18 States Code (as added by subsection (a)), the Sec-
19 retary of Defense shall make a determination as to
20 whether the death or wounding of any civilian em-
21 ployee of the Department of Defense or civilian con-
22 tractor in the same attack meets the eligibility cri-
23 teria for the award of the Secretary of Defense
24 Medal for the Defense of Freedom.

1 (2) AWARD.—If the Secretary of Defense deter-
2 mines under paragraph (1) that the death or wound-
3 ing of any civilian employee of the Department of
4 Defense or civilian contractor in the attack that oc-
5 curred at Fort Hood, Texas, on November 5, 2009,
6 meets the eligibility criteria for the award of the
7 Secretary of Defense Medal for the Defense of Free-
8 dom, the Secretary shall take appropriate action to
9 award the Secretary of Defense Medal for the De-
10 fense of Freedom to the employee or contractor.